THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No.2011 of 1998

Date: 29-03-2007

Between:

K.Durga Prasad Reddy and others

…PETITIONERS

a n d

Government of A.P. rep. by its Secretary, Revenue (U.L.C.), Secretariat, Hyderabad, A.P.

…RESPONDENTS

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No.2011 of 1998

ORDER:

This writ petition is filed seeking to declare that the action of the respondent authorities in attempting to interfere with the possession of the petitioners over the house bearing municipal number 2-3-692/22/12/1, admeasuring 372 sq.yds. in Sy.No.304/1, Amberpet village, Hyderabad, without following due process of law as arbitrary and illegal.

Pursuant to the rule nisi ordered, the Additional Special Officer, Urban Land Ceilings, Hyderabad, filed a counter affidavit on behalf of the respondents in which the fact that the petitioners acquired rights of protected tenancy by succession under Section 40 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short – 'the Act'), and that subsequently they were also granted ownership certificate under Section 38-E of the Act has not been disputed. However, it is contended that since the petitioners acquired title after the commencement of Urban Land (Ceiling and Regulation) Act, 1976 (for short – 'Act 33 of 1976'), they are bound to file a statement under Section 15 of the Act 33 of 1976 which they failed to do.

Even assuming that the petitioners are bound to file a declaration under the provisions of Act 33 of 1976 but failed to do so, it is always open to the respondent authorities to take appropriate steps as provided under Act 33 of 1976 including prosecution under Section 38 following due process of law. However, the possession of the petitioners cannot be disturbed high-handedly even without passing any order.

Accordingly, the writ petition is disposed of with a direction to the respondent authorities not to interfere with the possession of the petitioners in respect of the property in question without following due process of law. No costs.

_____

29-03-2007

Cvrk